

On January 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

13042. Adulteration and misbranding of grape flavor concentrate. U. S. v. American Fruit Products Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 18325. I. S. No. 8929-v.) ✓

On May 28, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Fruit Products Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about June 19, 1923, from the State of Illinois into the State of Indiana, of a quantity of grape flavor concentrate which was adulterated and misbranded. The article was labeled in part: "Avalon Grape flavor concentrate * * * American Fruit Products Company * * * Chicago."

Examination of the article by the Bureau of Chemistry of this department showed that it was artificially flavored, and artificially colored with amaranth and Guinea green B.

Adulteration of the article was alleged in the information for the reason that an artificially-colored and artificially-flavored imitation product had been substituted for grape flavor concentrate, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to grape flavor concentrate, to wit, an artificially-flavored imitation product which was artificially colored with certain coal-tar dyes, to wit, amaranth and Guinea green B, so as to simulate the appearance of grape flavor concentrate, and in a manner whereby its inferiority to grape flavor concentrate was concealed.

Misbranding was alleged for the reason that the statement "Grape flavor concentrate," borne on the labels attached to the bottles containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of grape flavor concentrate, and for the further reason that it was labeled "Grape flavor concentrate" so as to deceive and mislead the purchaser into the belief that it consisted wholly of grape flavor concentrate, whereas, in truth and in fact, it did not so consist but did consist of an artificially-colored and artificially-flavored imitation product which contained little or no grape flavor. Misbranding was alleged for the further reason that the article was an artificially-colored and artificially-flavored product prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, grape flavor concentrate.

On January 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

13043. Misbranding of graham crackers. U. S. v. the Merchants Biscuit Co., a Corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 18463. I. S. Nos. 8532-v, 11331-v, 11332-v, 11333-v, 11334-v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Merchants Biscuit Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, in 5 consignments, namely, on or about November 20, December 3, and December 4, 1923, respectively, from the State of Colorado into the State of Wyoming, and on or about December 5, 1923, from the State of Colorado into the State of New Mexico, of quantities of graham crackers which were misbranded. Four consignments of the article were labeled in part: "Supreme Graham Crackers Made By The Merchants Biscuit Co. Denver Net Weight 2 Lbs." One consignment of the article was labeled in part: "Graham Merchants Supreme Crackers * * * The Merchants Biscuit Company, Denver, Minimum Net Weight 7¼ Oz. 'Supreme Brand.'"

Examination by the Bureau of Chemistry of this department of 24, 12, 36, and 24 packages from the different consignments of the alleged 2-pound packages showed an average net weight of 1 pound 14.7 ounces, 1 pound 12.8 ounces, 1 pound 12.9 ounces, and 1 pound 13.2 ounces, respectively. Examination of